

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

BEVERLY BLOCK and LUPE)
RODRIGUEZ, on behalf of themselves and)
on behalf of all others similarly situated,)
)
Plaintiffs,) Case No. 06-4118-CV-C-NKL
)
v.)
)
THE OHIO STATE LIFE INSURANCE)
COMPANY, UNITED FIDELITY LIFE)
INSURANCE COMPANY, GREAT)
SOUTHERN LIFE INSURANCE)
COMPANY, AMERICO LIFE, INC. and)
AMERICO FINANCIAL LIFE AND)
ANNUITY INSURANCE COMPANY,)
)
Defendants.)

ORDER

Plaintiffs filed this case in the Central Division of the Western District of Missouri.

Because divisional venue is proper only in the Western Division, as urged in Defendants' Motion to Change Venue [Doc. # 21], the case must be transferred to the Western Division and redrawn.

Local Rule 3.2(b) governs divisional venue in cases with multiple defendants. It provides:

All actions brought against multiple defendants all of whom reside in the same division must be brought in that division, or in the division where the claim for relief arose. If at least two of the defendants reside in different

divisions, such action shall be filed in any division in which one or more of the defendants reside, or where the claim for relief arose.

To further clarify Rule 3.2(b), Rule 3.2(d) provides that “[t]his local rule shall be construed consistently with the text and definitions contained in 28 U.S.C. § 1391(c).” In turn, 28 U.S.C. §1391(c) provides that “a defendant that is a corporation shall be deemed to reside in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced.” Reading these rules and definitions consistently demonstrates that, for the purposes of divisional venue, a corporation resides in any division in which it is subject to personal jurisdiction.

Because a corporation may be subject to personal jurisdiction in several divisions, it follows that a corporation may be a resident of several divisions at the same time. In the present case, the parties agree that Defendant Americo Life, Inc., is a resident of the Western Division because it was served in Kansas City and that it is not a resident of any other division. See Plf. Sugg. Opp. at 2 [Doc. # 33], Def. Supplemental Sugg. Supp. at 7 [Doc. # 32-1], and Affidavit of Cathy Hunt [Doc. # 32-2]. The parties also agree that under a personal-jurisdiction-based definition of residence, all of the other Defendants are residents of both the Central Division (where they were served) and the Western Division (where they operate their principal places of business).

Plaintiffs argue that because Americo Life is a resident of the Western Division and the other Defendants are residents of the Central Division, divisional venue is proper in either the Central or Western Division. But Plaintiffs overlook the fact that all of the other defendants in this case are themselves residents of the Western Division too. In

other words, only some of the Defendants are residents of the Central Division while all of the Defendants are residents of the Western Division. And because they are all residents of the Western Division, Local Rule 3.2(b) requires that a suit against them “must be brought in that division, or in the division where the claim for relief arose.” The second sentence of that section dealing with defendants who are residents of different divisions only applies if there is no division where they are all residents. Because the current defendants are all residents of the same division, divisional venue is proper in that division and the second sentence of Rule 3.2(b) is never reached.

There is no unfairness in making all defendants who reside in the same place answer a suit in that place. Indeed, such a rule makes perfect sense.

Accordingly, Defendants’ Motion to Change Venue [Doc. # 21] is GRANTED.

The case is transferred to the Western Division where it shall be redrawn.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: October 2, 2006
Jefferson City, Missouri